

PEARSON, J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

WRAHSAAN BARRINGER,	)	CASE NO. 5:09CV01260
	)	
Petitioner,	)	
	)	JUDGE BENITA Y. PEARSON
v.	)	
	)	
BENNIE KELLY,	)	
	)	<b><u>MEMORANDUM OF OPINION AND</u></b>
Respondent.	)	<b><u>ORDER</u></b>

Before the Court is the Report and Recommendation of Magistrate Judge Kenneth S. McHargh recommending that *pro se* Petitioner Wranhsaan Barringer's petition for writ of habeas corpus filed pursuant to [28 U.S.C. § 2254](#) be dismissed.<sup>1</sup> [ECF No. 7](#).

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of a Report and Recommendation to which the parties have made an objection. [28 U.S.C. § 636\(b\)\(1\)\(C\)](#). Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. [Thomas v. Arn, 728 F.2d 813 \(6th Cir. 1984\)](#), *aff'd*, [Thomas v. Arn, 474 U.S. 140, 145 \(1985\)](#); [Howard v. Secretary of Health and Human Services, 932 F.2d 505 \(6th Cir. 1991\)](#); [United States v. Walters, 638 F.2d 947, 949-50 \(6th Cir. 1981\)](#). Parties must file objections to a Report and Recommendation within fourteen days of service. [Id.](#); [Fed. R.](#)

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<sup>1</sup> The matter was referred to Magistrate Judge Kenneth S. McHargh for the preparation of a Report and Recommendation on the petition for writ of habeas corpus pursuant to Local Rule 72.2.

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Civ. P. 72(b)(2). Failure to object within this time waives a party's right to appeal the district court's judgment. Thomas, 474 U.S. at 145. Absent objection, a district court may adopt a magistrate judge's report without review. See Thomas, 474 U.S. at 149.

In the instant case, Petitioner Barringer has not filed objections to the Report and Recommendation. The Court finds that the Report and Recommendation is supported by the record, and agrees with the recommendation to dismiss the instant petition pursuant to 28 U.S.C. § 2243, and that, pursuant to 28 U.S.C. § 1915(a)(3), an appeal from this decision could not be taken in good faith.

Accordingly, the Court adopts Magistrate Judge Kenneth S. McHargh's Report and Recommendation. ECF No. 7. Petitioner Barringer's petition (ECF No. 1) is dismissed, and an appeal from this decision could not be taken in good faith.

The Clerk of this Court shall send a copy of the Order by regular mail to Wrahsaan Barringer at Trumbull Correctional Institution PO Box 901 5701 Burnett Road, Leavittsburg, OH 44430-0901.

IT IS SO ORDERED.

August 9, 2011  
Date

/s/ Benita Y. Pearson  
Benita Y. Pearson  
United States District Judge